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Attorneys for People

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KINGS

THE PEOPLE OF THE STATE OF
CALIFORNIA

Plaintiff,

vs.

BRIDGEMARK CORPORATION and DOES
1-10 inclusive,

Defendants

Case No. 07C0350

STIPULATED JUDGMENT FOR
CIVIL PENALTIES AND OTHER
RELIEF

Honorable Judge Peter M. Schultz
Dept. 2

Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, having filed their complaint herein, RONALD L. CALHOUN, District Attorney of Kings County, by and through MATTHEW C. MACLEAR, Deputy District Attorney of Kings County, and defendant BRIDGEMARK CORPORATION (“Defendant”), having answered such complaint, hereby stipulate and consent to the entry of this Final Judgment Pursuant to Stipulation (“Stipulated Judgment”). This Stipulated Judgment requires Defendant to pay certain penalties and other payments according to the terms of the Stipulated Judgment.

Upon the consent of the parties hereto, and it appearing to the Court that there is GOOD CAUSE for the entry of this Stipulated Judgment,

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This court has jurisdiction of the subject matter of this action and each of the parties hereto.

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2. Defendant shall make all payments within three (3) months of the entry of the Stipulated Judgment in settlement of claims set forth in the Complaint.

3. This action arises from Defendant's oil and gas production operations in the County of KINGS, where the People allege there to have been four discharges of petroleum into or threatening waters of this state in addition to the improper storage, handling and disposal of hazardous materials and/or wastes, as well as unfair/unlawful business practices. Pursuant to the terms contained herein, Defendant Bridgemark, through its environmental consultant, shall perform all necessary remediation and/or clean-up work to remediate petroleum impacted soil at the former location of the Baker Tank at the northwest drill pad, including the small adjacent pit exhibiting soil contamination to a level of 10,000 mg/kg. Defendant will provide regular progress reports to the division of Environmental Health Services. The Division of Environmental Health Services is to be notified no later than 24 hours ahead of any work being performed at the site. All necessary remedial clean up work by Defendant Bridgemark shall be completed no later than July 1, 2008.

Penalties

4. Defendants shall pay the sum of EIGHTY FOUR THOUSAND DOLLARS (\$84,000.00) in civil penalties to be paid, as follows:

a) Defendant shall pay the sum of TWENTY ONE THOUSAND DOLLARS (\$21,000.00), as civil penalties to the order of California Department of Fish and Game Preservation Fund.

b) Defendant shall pay the sum of TWENTY ONE THOUSAND DOLLARS (\$21,000.00), as civil penalties to the order of California Department of Toxic Substances Control.

c) Defendant shall pay the sum of TWENTY ONE THOUSAND DOLLARS (\$21,000.00), as civil penalties to the order of Kings County Division of Environmental Health Services.

- 1 d) Defendant shall pay the sum of TWENTY ONE THOUSAND DOLLARS
2 (\$21,000.00), as civil penalties to the order of Kings County District Attorney's
3 Civil Penalties Account
4

5 Supplemental Environmental / Cost Recovery Programs
6

7 5. Defendant shall pay the sum of THIRTY ONE THOUSAND DOLLARS
8 (\$31,000.00) to Supplemental Environmental and/or Cost Recovery Programs as follows:

- 9 a) Defendant shall pay the sum of FIVE THOUSAND DOLLARS (\$5,000.00), to the
10 order of the California Department of Fish & Game as cost recovery.
11 b) Defendant shall pay the sum of FIVE THOUSAND DOLLARS (\$5,000.00), to the
12 order of the California Department of Toxic Substances Control as cost recovery.
13 c) Defendant shall pay the sum of FIVE THOUSAND DOLLARS (\$5,000.00), to the
14 order of the Kings County Division of Environmental Health Services.
15 d) Defendant shall pay the sum of TEN THOUSAND DOLLARS (\$10,000.00), to the
16 order of the California District Attorneys Association - Circuit Prosecutor Project as
17 cost recovery.
18 e) Defendant shall pay the sum of ONE THOUSAND FIVE HUNDRED DOLLARS
19 (\$1,500.00) to Kings County Counsel, as cost recovery.
20 f) Defendant shall pay the sum of ONE THOUSAND FIVE HUNDRED DOLLARS
21 (\$1,500.00) to Kings County Fire Department, as cost recovery.
22 g) Defendant shall pay the sum of THREE THOUSAND DOLLARS (\$3,000.00) to
23 Kings County Fish & Wildlife Committee as a supplemental environmental program.
24

25 6. Defendants will do nothing to preclude employees of Kings County Department of
26 Environmental Health Services from exercising their rights under the law.

27 7. Matters Covered by This Stipulated Judgment

- 28 a) Final approval of this Stipulated Judgment by the Court and Defendant's
performance of all the obligations set forth in this Stipulated Judgment settles

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1 resolves all civil, criminal and/or administrative claims of the People and Kings
2 County Division of Environmental Health for the alleged violations set forth in the
3 Complaint in this matter and for any other claims based on the underlying facts and
4 time period alleged in the Complaint that could have been asserted against Defendant
5 by the People and Kings County Division of Environmental Health and as charged in
6 the Complaint through the date of entry of the Stipulated Judgment.

7 b) Except as expressly provided in this Stipulated Judgment, nothing in this Stipulated
8 Judgment is intended nor shall it be construed to preclude any state or county agency
9 from exercising its authority under any law, statute or regulation.

10 c) Each of the parties hereto each represent and warrant to the Court and to each other
11 that it has received all approvals or consents necessary to enter into this Stipulated
12 Judgment.

13 d) The parties hereto waive and release any and all claims for attorneys fees or court
14 costs related in any way to the action.

15 e) On behalf of the person(s) signing this agreement each is fully authorized to sign this
16 Stipulated Judgment and to commit and bind such party or agency to each and all the
17 terms and conditions hereof. The People further represent that the County of Kings,
18 California Department of Fish & Game and the California Department of Toxic
19 Substances Control do not intend to take further action, administrative or otherwise,
20 on or with respect to the claims for the alleged violations set forth in the Complaint
21 in this matter and for any other claims based on the underlying facts and time periods
22 alleged in the Complaint that could have been asserted against Defendant by such
23 agencies.

24
25 8. All checks shall be sent to the Kings County District Attorney's Office,
26 attention: **Kelly Depner, Kings County District Attorney's Office, 1400 West Lacey Blvd.,**
27 **Hanford, CA 93230.** All amounts are due within three (3) months of the entry of this Stipulated
28 Judgment.

1 The District Attorney's Office will forward on any acknowledgments of receipt for execution and
2 return service by the appropriate agencies, provided such acknowledgments are supplied by
3 Defendant with payments.
4

5 9. This Judgment shall go into effect immediately upon entry hereof. Entry is authorized
6 immediately upon filing.
7

8
9 Dated: _____

By: _____
RICK NIEMAN
President
Defendant BRIDGEMARK
CORPORATION

12 Approved as to form and substance:
13

14 Dated: _____

By: _____
JOHN J. HARRIS
Meyers Nave
Attorneys for Defendant

17 Dated: _____

By: _____
KEITH WINKLER
Director, Kings County Division of
Environmental Health

21 RONALD L. CALHOUN
22 KINGS COUNTY
23 DISTRICT ATTORNEY

24 Dated: _____

By: _____
MATTHEW C. MACLEAR
DEPUTY DISTRICT ATTORNEY

27 IT IS ORDERED, ADJUDGED AND DECREED.
28

Dated: _____

JUDGE OF THE SUPERIOR COURT
STIPULATED JUDGMENT FOR CIVIL
PENALTIES AND OTHER RELIEF